

These minutes are merely a summary and an attempt to reference comments that took place on the Board.

VILLAGE OF BARRINGTON HILLS

Minutes of the Meeting of the Board of Trustees Thursday, November 20, 2014

President McLaughlin called the Meeting to order at 6:34 p.m. Roll Call.

Present

Martin J. McLaughlin, President
Fritz H. Gohl, President Pro Tem
Joseph S. Messer, Trustee (arrived 6:35)
Karen S. Selman, Trustee
Patty Meroni, Trustee
Colleen Konicek, Trustee
Michael Harrington, Trustee

Rich Semelsberger, Acting Chief
Joseph Colditz, Deputy Chief
Mary Dickson, Temporary Village Attorney
Robert Kosin, Village Administrator
Dolores Trandel, Village Clerk

Guests

Pamela Cools, resident
Linda Cools, resident
Mary Naumann, resident
Jan Goss, resident
Jean Maddrell, resident
Christina Russo, resident
Jim O'Donnell, resident
Arnold Cernik, resident
Jim Hammond, resident
Jack Reich, resident
Kim Van Fosson, resident
David Stieper, resident
P. Denise Israel, resident

PUBLIC SESSION

Pledge of Allegiance

PUBLIC COMMENTS: Public Comments were given by the following:

Christina Russo
P. Denise Israel
David Stieper
Kim Van Fosson
Jean Maddrell

Audio on these comments can be located at the Village Web Site – www.vbhil.gov. Any written comments handed to the Village Clerk will be posted as an attachment to the Agenda.

APPROVAL OF MINUTES

Trustee Konicek motioned to approve the Minutes of the Special Meeting of October 21, 2014 meeting that are merely a summary and an attempt to reference comments that took place on the Board. Trustee Meroni seconded. All present said Aye.

Motion Approved

Trustee Gohl motioned to approve the Minutes of the Special Executive Session of October 21, 2014. Trustee Selman seconded. Trustee Meroni motioned to table the motion to give the Trustees time to look over the minutes. Trustee Selman seconded.

Motion Tabled

Trustee Gohl motioned to approve the Minutes of the Special Executive Session of October 21, 2014. Trustee Selman seconded. Trustees Harrington, Konicek, Selman, Meroni, Messer and President McLaughlin said Aye. Trustee Gohl abstained.

Motion Approved

Trustee Selman motioned to approve the Minutes of the Regular Meeting of October 27, 2014. Trustee Konicek seconded. Trustee Harrington motioned to approve the minutes of the October 27, 2014 meeting with changes. Trustee Meroni seconded. All present said Aye.

Motion Approved

Trustee Gohl motioned to approve the Minutes of the Executive Session of October 27, 2014. Trustee Konicek seconded. All present said Aye.

Motion Approved

FINANCE – Karen S. Selman

Treasurer's Report - Trustee Selman motioned to accept the Treasurer's Report for October, 2014. Trustee Gohl seconded. All present said Aye.

Motion Approved

Police Pension Board Report - Trustee Selman motioned to accept the Police Pension Board Report for October, 2014. Trustee Gohl seconded. All present said Aye.

Motion Approved

Overtime Reports - Trustee Selman made the motion to approve the Overtime Report from October 16, 2014 through November 15, 2014 totaling \$8,675.88. Trustee Meroni seconded. Roll Call.

Ayes: 7 (Harrington, Konicek, Selman, Meroni, Messer, Gohl, McLaughlin)
Nays: 0
Absent: 0

Motion Approved

Bills for Approval - Trustee Selman motioned to approve the bills for the month of October 16, 2014 to November 15, 2014, totaling \$866,037.65. Trustee Gohl seconded. Roll Call.

Ayes: 2 (Konicek, McLaughlin)
Nays: 5 (Harrington, Selman, Meroni, Messer, Gohl)
Absent: 0

Motion Denied

Trustee Messer motioned to remove the bill from Bond Dickson as it relates to Attorney Patrick Bond acting as temporary attorney for the Board of Trustees as he does not feel he was properly seated. Trustee Harrington seconded. Roll Call.

Ayes: 5 (Harrington, Selman, Meroni, Messer, Gohl)
Nays: 2 (Konicek, McLaughlin)
Absent: 0

Motion Approved

Investments of Village Funds Ordinance - Trustee Selman motioned to approve the Investments of Village Funds Ordinance. Trustee Gohl seconded. All present said Aye.

Ordinance 14-18 Approved

Police Pension Fund Levy Request – Trustee Selman motioned to approve the Police Pension Fund Levy request. Trustee Meroni seconded. The minimum contribution was \$644,805.00, the recommended amount was \$669,214.00 and the requested amount from the Police Pension Fund President was \$710,00.00. Trustee Harrington motioned to accept the amount of \$669,214.00. Trustee Selman seconded. All present said Aye.

Motion Approved

Fiscal Year 2015 Budget – Trustee Selman motioned to approve the 2015 Budget of \$6,565,273.00. Trustee Messer seconded. There was discussion from the Board regarding the Roads & Bridges budget and it was agreed that the amount would be lowered from \$1,941,000 to \$1,785.846. Roll Call.

Ayes: 7 (Harrington, Konicek, Selman, Meroni, Messer, Gohl, McLaughlin)
Nays: 0
Absent: 0

Motion Approved

ROADS & BRIDGES – Patty Meroni

Monthly Report

2014 Road Program - The re-surfacing portion of the 2014 Road Program has been completed with additional pothole patching, both cold patch and hot mix to be completed by Thanksgiving.

Oak Lake Drainage Project - Additional engineering and planning continues on the Oak Lake Drainage Project after a meeting with the property owners of the easement site at their home with the Chief Engineer of LCDOT and Executive Director, Dan Strahan, Nick Sauer, Lake County Commissioner and Trustee Meroni. A proposed bid package will be let to get an estimate with several options segregated to assist in our planning and budgeting. The schedule is as follows:

Proposed December Bid Package:

Scope: Extension of storm sewer – 480' east along south side of Ridge Road with dry well catch basins to maximize infiltration.

Bid Schedule:

Bid Advertisement – Friday, November 21, 2014

Bid Sets Available – Tuesday, November 25, 2014

Bid Opening – Thursday, December 11th, 2014

Contract Award – Thursday, December 18th, 2014

Preliminary Cost - \$115K

Flint Creek Extension Options

Gravity storm sewer to Flint Creek – Preliminary EOPC - \$1.2 million

Lift station to daylight; ditch flow to Flint Creek

Rte. 14/Hart Road ITEP Project - Lake County DOT met to review the project which has been delayed until January, 2016 for bid letting. Meanwhile, a request was received by LCDOT to add a sidewalk on the west side of Hart Road from the Oakwood Drive to Rte. 14. This request was from someone not currently living in the Village and the trustee of the property.

LCDOT advises that the additional cost of engineering and construction would be approximately \$1 million and that VBH would be responsible for 20% of that cost, plus ongoing maintenance. This project would also push back the schedule by one year.

Based on these facts, the R&B committee declined to participate since it is inconsistent with the Village's roads as there no other sidewalks currently within the Village.

Village of Algonquin - Spring Creek/Highland Avenue Project - Algonquin's request for STP funding to their portion of Spring Creek Road/Highland Avenue extension is scheduled for a January, 2016 letting with construction in May, 2016.

Algonquin has contacted the Village about participating. Also, the question of a water main extension for fire protection services is being discussed. Spring Creek island removal will not be considered as part of the project.

Proposed 2015 Road Program - Meadow Hill Road (south of Fox Hunt to Spring Creek), Haeger's Bend Road, Chapel Road to County Line Road, Plum Tree Road, Ridge Road to Village limits and Cuba Road Bridge replacement.

PUBLIC SAFETY – Fritz H. Gohl

Monthly Report – Trustee Gohl presented the monthly report which was included in the Board of Trustees meeting packet.

Dispatch Outsource Referendum – Trustee Gohl motioned to consider placing this item as a referendum on the April 7, 2015 Consolidated Election. Trustee Selman seconded. All present said Nay.

Motion Failed

Surplus Property Ordinance - Trustee Gohl motioned to approve the Surplus Property Ordinance. Trustee Selman seconded. All present said Aye.

Ordinance 14-17 Approved

BUILDING AND ZONING – Joseph S. Messer

Permit Report – Thirteen building permits were issued in October, 2014.

Enforcement Report

140 Hawthorne Road: The Village Engineer reviewed the resident's submitted site development plan from 2009 and determined that "while the plan does not meet all of the requirements for a site development permit, based on the length of time that has elapsed since the grading was completed, we would recommend acceptance of the plan as an as-built topographic survey depicting the site improvements that were completed." Permit to be closed.

3 Saville Row – It appears the resident has not filed a petition for court review of the ZBA determination that he is in violation of the Home Occupation Ordinance. Since the ZBA determination, the resident has informed the Building Department he is moving his operation out of the Village. The Building Department will respond to any new complaints received.

261 Steeplechase Rd Update –Awaiting service of the October 28, 2014 complaint seeking demolition and other relief on all interested parties by the Lake County and DuPage County Sheriff's offices.

385 Spring Creek Road Update – The Building Department has been in communication with the resident's civil engineer and expects compliance.

8 Jennifer Court Update – As of November 18, 2014, Village Treasurer has not received judgment payment of \$750.00 which was due to the Village by October 3, 2014.

ZBA Report – The Zoning Board of Appeals attempted to meet on November 10th and 12th, but due to insufficient notice, they were unable to meet. They did meet on their regular scheduled meeting on November 17th, to consider a Special Use Permit for 170 Old Sutton Road, which would include a Polo Field and an Indoor Arena, and the ZBA voted to recommend to the Board of Trustees, that this Special Use be granted

PLANNING – Colleen Konicek

The November 10, 2014 Plan Commission meeting was cancelled. Trustee Konicek advised that there is a planned development in Barrington, called the Reserve at Barrington. It is a 43-unit residential subdivision located along South Grove Avenue, to the northeast of Marquardt of Barrington and Motorwerks properties. She is concerned about the stormwater runoff to the area of Dundee Lane. She asked that we look into our IGA with Barrington, specific to that property, because according to Mr. Kosin, it is antiquated as it was created in 1986. Her report is included in the Board's package.

INSURANCE – Michael Harrington

Monthly Report – Trustee Harrington stated that the Insurance Committee has not received all the quotes and will be meeting on December 2nd to finalize.

HEALTH, ENVIRONMENT, BUILDINGS & GROUNDS – Michael Harrington Monthly Report

Building & Grounds Activity

Village Hall: EHMS has conducted the fall preventative maintenance on all HVAC units at the Village Hall and the blockhouse. EHMS has also repaired HVAC unit #8 that was damaged by fire on September 25th.

Reike Septic conducted the semi-annual pumping of three septic tanks and the sally port entrance catch basin.

Geary Electric corrected a power problem to two sally port lights caused by a loose wire. Fire Guard to conduct semi-annual fire sprinkler system test next week.

Village Hall Police Department – Materials have been received to remove and replace damaged quarry tiles in lock-up and to remove and replace all flooring in the men's and women's locker rooms and the general contractor, Gilcor, is coordinating the installation for the week of November 17th.

Village Hall Grounds: The irrigation system was drained and winterized for the season.

Gewalt Hamilton Associates to install snow curb markers next week.

The large sugar maple at the north entrance of the Village Hall has been removed. All replacement trees will be completed in the Spring.

Fall bedding clean up to be completed next week.

Fire Station: Geary Electric has activated the roof ice melt system.

Board of Health – Trustee Harrington stated he was not able to attend the meeting of November 12th, but he did talk to Dr. Johnston. Dr. Kurt Thomsen, a Hydrologist who works for BACOG, spoke to the effect of horse density on sub-surface water quality. They asked for direction from the Board of Trustees, in terms of doing a base line study, which would determine the current Village wide water quality. There is a Level 2 test which is a more thorough testing that could be done in areas of the Village.

President McLaughlin suggested the testing be done on a number of public wells through infrastructure, such as the Park District, the Riding Center, Countryside School, the 5 acre property on Rt. 25, so if this is something the Village wants to do, we can be more active about it.

IGA with Park District – Lease/Purchase Tractor – Village Administrator Robert Kosin advised that the John Deere tractor as owned by the Village is proposed for a lend-lease purchase through an Intergovernmental Agreement with the Barrington Hills Park District. The grounds of the Village Hall, with curb and gutter, does not lend itself to the use of the tractor nor are there personnel with the job description to operate the vehicle. The District has its facility at Bateman Road with the maintenance of the gravel parking lot maintenance and other such uses for a tractor.

It is, therefore, proposed that by a mutually agreed lease purchase plan the District assumes the eventual ownership of the tractor. A draft of such and if it is the consent of the Board of Trustees, the document would be offered for consideration by the Park District.

Trustee Harrington motioned to approve sending the draft agreement to the Barrington Park District for them to provide it to their Board for approval or changes. Trustee Gohl seconded. All present said Aye.

Motion Approved

ATTORNEY – Temporary, Patrick Bond

Pending Litigation – No report.

Pending OMA/FOIA Pack – No report.

ADMINISTRATION – President McLaughlin

Collective Bargain Negotiations Report – President McLaughlin stated that negotiations are in motion. MAP has sent Acting Chief Semelsberger, a counter proposal. The next meeting is scheduled for December 8th.

Meeting Calendar 2015 Draft – The 2015 Annual Meeting Calendar was distributed on November 14th for the Trustees to review and recommend any changes. Village Administrator, Robert Kosin, asked the Board to look at the December 17, 2015 meeting date, as that date is very early in the month, and requested they check their calendars to give consideration to the date of December 21st would be a better fit.

Roads & Bridges Monthly Meetings – President McLaughlin asked that the Roads and Bridges Committee make their monthly meetings public, as there are many issues regarding capital expenditures, that our residents need to be aware of.

Trustee Konicek motioned to make the Roads & Bridges Committee meeting public beginning in January, 2015. Trustee Harrington seconded. All present said Aye.

Motion Approved

Village Attorney Discussion – President McLaughlin stated that at the October 21st Special Meeting, we had three presenters come in, Ancil, Glink; Flood, McArdle and Kelly, Matuszewich and asked for the Trustee's to give their evaluation of each.

Trustee Messer stated that he felt Ancil, Glink was overpowering; questioned if the Kelly firm has the depth to cover our Village; and the Flood, McArdle firm is very well respected and he was impressed with their presentation.

Trustee Selman stated she was leaning toward McArdle. She didn't know that they wrote the text amendment for the Riding Club. They are in close proximity to us and they were instrumental with her orientation when she was first seated as a Trustee. She felt with their experience, they could be the firm for our Village.

Trustee Harrington felt all three firms were qualified and they all put their best foot forward. He was late and did not attend the Ancil Glink presentation. He also spent a full day with the McArdle firm when he was first elected as Trustee and they have a very impressive group of lawyers. They specialize in this area of law, they have resources, they have a local perspective and personality wise, he thinks, size wise, they would be a

good fit with this Village and this Board. He thought Mr. Kelly was very impressive, but he is concerned about his resources.

Trustee Meroni did some research on Ancil, Glink and she thinks they are too big for us. The Kelly firm doesn't know if it has the depth to handle our Village. She is inclined to favor the McArdle firm as they are more aware of the regional problems we face, because of their proximity to our Village.

Trustee Konicek stated she is not in favor of any of them. She specifically questioned if they had any prior history with our Village and the McArdle firm answered no. They did do business in the past for the Village in 2007 regarding a potential agreement for ongoing service for the Village and they were not considered to be a good fit for us back then. She finds it troubling that they have already taken a legal position regarding a very controversial issue in our Village and it would be a big disservice to our residents to have them appointed as Village attorney when there are people on both sides of this issue and a large segment of our community who would find that to be a betrayal of their trust. She had looked through the legal bills of the Matuszewich from their tenure and finds them to be excessive and for Ancil Glink, she has the same reservations as everyone else, they are too big for us.

Trustee Gohl also felt the Kelly was too small and Glink too big. The Flood, McArdle firm does orientation work for new trustees, commissioners and ZBA members. They can do all the Village's attorney work. They can handle traffic fines, as well as union negotiations as well as pension, so we wouldn't need a lot of different firms. He spoke to two of their clients in the area and they come highly recommended. He felt it was a nice touch that he got a note from them thanking us for letting them present and he didn't hear from the other two.

President McLaughlin wanted to know the reasons why Bond – Dickson were not included by the Board. He asked Trustee Harrington if he felt there was a conflict because they were charging fees. Trustee Harrington stated his concern was Bond – Dickson opinion that the firing of former attorney's was legal and that was troubling to him as Bond Dickson stood to be the primary beneficiary of that decision process.

Trustee Konicek stated that the legal context of a conflict of interest doesn't exist. Both attorney's from Bond - Dickson served the Village with integrity and respect. Both representatives who have attended our Board and ZBA meetings with quality that we haven't seen in decades. They give opinions that are based on law, they give them readily, rather than telling us they will get a response to the question. It has been fresh approach and she would like to see it continue.

Trustee Messer agreed with Trustee Harrington. He believes that Mary Dickson has done a phenomenal job for the ZBA, but he does not view the Bond – Dickson as the Village attorney, rather as the Village President's attorney. The goal is to restore the faith of this Board in our legal representation and we don't have that situation right

now. We have a division on the Board as a result of that and he doesn't think that continuing with Bond – Dickson will resolve that and it's time to move on.

Trustee Gohl stated that Bond – Dickson did not have as many clients as the McArde firm and believes that their clients are more urban than rural and he doesn't know where Bond – Dickson came from, who discovered them, who brought them to us as Special Counsel.

Trustee Meroni agrees with Trustees Harrington and Messer on this issue and we won't have any success in resolving this until we move on. She is personally leaning towards the McArde firm. There were other firms on the list that we might go back and look at.

Trustee Selman stated that she has nothing against the Bond – Dickson firm. It was her opinion that they had been the President's Counsel, that he had talked to him a lot and he didn't represent all of the Trustees. She was concerned over how Burke, Warren was let go and whether you believe they were good representation or not, they gave many, many years to this Village. We need to find a firm that we can all agree on. She doesn't think that the Bond – Dickson firm will be the one representing all of us. She was disappointed with the firm's opinion that big barns are not at risk after the LeCompte/Drury court judgment.

President McLaughlin was concerned that no one on this Board felt there was a conflict that Michael Smoron, who was the Riding Club's attorney, had provided testimony. Mr. Smoron and Mr. McArde contradicted themselves on what was the best application for horse boarding. The attorney's from three firms interviewed all said we shouldn't be changing law in the middle of an active lawsuit between two private parties. His role is to protect the taxpayers wallet. President McLaughlin stated that he will have a decision at the next Board meeting.

Trustee Gohl asked where did the firm Bond – Dickson come from. President McLaughlin replied he contacted Bond – Dickson because they have dealt with OMA violations which he discovered while reading about them. He had no previous professional relationship with the firm. He works with numerous municipal attorneys professionally, he has never worked with Bond – Dickson. He specifically sought them out because they were nowhere near the Village of Barrington Hills, where they would not be influenced by members of this community. They were a smaller firm that would give the Village of Barrington Hills more attention than the large firms and when he discovered the background of Patrick Bond he thought who better to work for the Village than someone who worked in the State's Attorney's office. He brought it up to Trustee Konicek, she had someone she had met and brought forward, because we were concerned about the OMA violations. In November, when we were near the end of the Sears litigation, we had individually spoken about the desire of changing counsel once Sears was concluded. He spoke to Trustee Messer on the phone, in November and December and had identified a firm that he would like Trustees Messer and Konicek to meet with. Trustee Messer stated that he did not recall that phone call. President McLaughlin stated that there is a specific reason why a firm that is not on our board,

hasn't done business with our Village before, doesn't have personal connections with residents of Barrington Hills, doesn't have connections with clubs, actually has value because it's a fresh perspective that can't be conflicted or tainted.

Trustee Selman brought up the fact that over 700 acres at the edge of the Village, that has been purchased by a private owner and will be kept in perpetuity as open space called Barrington Farms and she feels we should celebrate it by issuing a proclamation.

Trustee Konicek motioned to adjourn the Public Session at 11:00 p.m. Trustee Selman seconded. All present said Aye.

Meeting Adjourned

_____ **Approved**